

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATHAN HOYE,)
Plaintiff,) 2:18-CV-01254
vs.) Judge Nora Barry Fischer
ALLEHENY COUNTY MEDICAL)
DEPT.,)
Defendant.)

NATHAN HOYE,)
Plaintiff,) 2:18-CV-01392
vs.) Judge Nora Barry Fischer
SCI CAMP HILL,)
Defendant.)

MEMORANDUM ORDER

The above four cases were referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72. In all four cases, Plaintiff, Nathan Hoye, alleges that prison officials at either Allegheny County Jail or SCI Camp Hill have refused to remove a live mouse which he has in his rectum or treat his tapeworm and parasites. Plaintiff, through his Complaints, alleges that he has been seen by medical personnel and has been told that “nothing is wrong, that it’s a mental thing.” Plaintiff filed a Motion for Leave to Proceed *in forma pauperis* in each of the cases.

On October 22, 2018, the Magistrate Judge issued a Report in each case recommending that the Motion for Leave to Proceed *in forma pauperis* be denied as Plaintiff had not satisfied the imminent danger exception to the three strikes rule of 28 U.S.C. § 1915(g). Plaintiff was served with the Reports and Recommendations at his listed address of record and advised that written objections were due by November 8, 2018. On November 7, 2018, the Reports and Recommendations were returned unopened to the Court with the following notation on the envelopes: “RTS. Temp. Release.” Upon inquiry, the Court was informed that Plaintiff had

been transferred to Torrance State Hospital and was unable to file timely objections. On November 8, 2018, the Court *sua sponte* filed an Order granting Plaintiff an extension until December 10, 2018, to file written objections to the Reports and Recommendations.

On December 4, 2018, the Court was informed that Plaintiff remained in custody at Torrance State Hospital. The cases were then statistically closed until such time as Plaintiff notified the Court of his return to Allegheny County Jail. On January 3, 2019, Plaintiff notified the Court that he had been returned to Allegheny County Jail. The cases were reopened and Plaintiff was granted an extension until January 24, 2019, to file his written objections. To date, Plaintiff has not filed any objections in these cases nor has he sought an extension of time in which to do so.

After a review of the pleadings and documents in each of these cases, together with the Reports and Recommendations, the Court finds that the Magistrate Judge made a sound recommendation. Allegations of imminent danger must be evaluated in accordance with the liberal pleading standard applicable to pro se litigations; however, the Court need not credit “fantastic or delusional allegations that “rise to the level of ‘irrational or wholly incredible’.” *Gibbs v. Cross*, 160 F.3d 962, 966-67 (3d Cir. 1988) (quotations omitted). The Court finds that Plaintiff’s allegations that he has a live mouse in his rectum or has not been treated for a tapeworm and parasites “rise to the level of ‘irrational or wholly incredible’.” The following Order is entered:

The Motion for Leave to Proceed *in forma pauperis* filed in each of the above cases is **DENIED**, and these actions are dismissed without prejudice to Plaintiff’s right to reopen them by paying in each case the full statutory and administrative filing fees, totaling \$400.00. The

Report and Recommendation of the Magistrate Judge in each case, dated October 22, 2018, hereby is **ADOPTED** as the Opinion of the District Court.

IT IS SO ORDERED this 8th day of February, 2019.

/s Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: NATHAN R. HOYE
167618
Allegheny County Jail
950 2nd Avenue
Pittsburgh, PA 15219-3100